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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Bermuda

Working paper prepared by the Secretariat

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I. General

1. Bermuda is a Non-Self-Governing Territory administered by the United Kingdom of Great Britain and Northern Ireland. The Territory is located in the western part of the Atlantic Ocean, about 917 kilometres east of the nearest continental shore, the North Carolina coast of the United States of America. The Territory, covering 57 square kilometres, consists of 8 major and 130 smaller islands. The largest is Great Island, or Main Island. Hamilton, the capital, and St. George's are the two main towns.

2. Bermuda was discovered by Spanish navigator Juan de Bermudez in 1505. Bermuda remained uninhabited until 1609, when it was settled by a group of English colonists; in 1610 the first slaves were brought to work on the farms and to dive for pearls. The islands were administered under charter of the Virginia Company and successor companies until the arrangement was dissolved in 1684 and government was fully assumed by the Crown. In 1620, the first Parliament was held after the Crown granted the colony limited self-government. In 1968, Bermuda was granted internal self-government and a new Constitution.

3. The year 2009 marked the 400th anniversary of continuous human settlement in Bermuda. To mark the event, in October 2009 the Ministry of Culture and Social Rehabilitation established a cultural legacy fund with $100,000 as seed funding. According to the Minister of Finance, the Fund will be used to promote, transform and preserve the art and culture of Bermuda through support of cultural initiatives of national significance.[1] Funding for the initiative is a partnership effort between the Government of Bermuda and private contributors. For fiscal year 2009/10 the Government has earmarked a maximum contribution of $2 million to match contributions made by the private sector. There was an excellent response from members of the general public, who submitted numerous proposals by the deadline of 9 November 2009. All proposals have been reviewed and vetted, and the Minister of Culture and Social Rehabilitation was expected to make the final decisions and announcement of recipients in early 2010.[1]

4. In 2008, the population of Bermuda was estimated to be 64,209, up from 62,059 recorded during the 2000 census. According to the 2000 census, 55 per cent of the population was black and 34 per cent white, with the remaining 11 per cent consisting of persons of mixed or other races. The average annual growth rate between the 1991 and 2000 census periods was 0.66 per cent. In 2009, the estimated population increased to 64,395.[1]

5. The basis of the relationship between the Government of the United Kingdom and its Non-Self-Governing Territories is set out in a White Paper, entitled "Partnership for progress and prosperity: Britain and the Overseas Territories", published in March 1999 (see A/AC.109/1999/1 and Corr.1, annex). The British Overseas Territories Act 2002 granted the right of British citizenship to "British Overseas Territory citizens".

Note: The information contained in the present working paper has been derived from published sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations.

[1] Information transmitted by the administering Power, 29 December 2009.

II. Constitutional, legal and political issues

6. The Constitution of Bermuda, adopted in 1968, was amended in 1973, 1979, 1989, 2001 and 2003. The Governor (and Commander-in-Chief) is appointed by the United Kingdom, after consultations with the Territory's Premier. The Governor is responsible for defence, external affairs, internal security and the police. The current Governor of Bermuda, Sir Richard Gozney, took office in December 2007.

7. The Territory has a parliamentary system of government, comprising a Governor, a Deputy Governor, a Cabinet and a bicameral legislature, with a House of Assembly of 36 members directly elected for a five-year term and a Senate of 11 appointed members. Five members of the Senate are appointed by the Governor on the advice of the Premier, three on the advice of the leader of the opposition and three by the Governor at his discretion. The Governor appoints as Premier the member of the House of Assembly who appears to him or her to be best able to command the confidence of a majority of the members of that House. The Premier heads a Cabinet that may not comprise more than 14 members of the legislature.

8. Bermuda's law and legal system are based on English common law and principles of equity, English statute law (in force since 1612) and acts of the Bermuda Parliament passed since then. The judiciary is a separate body from the Government; its members are not elected but rather are appointed on the advice of the Chief Justice. There are three courts presiding in Bermuda, namely the Magistrates' Court, the Supreme Court and the Court of Appeal.

9. Over the years, there have traditionally been two official political parties in the Territory. The Progressive Labour Party was formed by the black majority in 1963. The United Bermuda Party was formed in 1964, largely by the white population. In September 2009, six members of the United Bermuda Party, including three parliamentarians, a senator and the party chairman, resigned, saying they had been pushing in vain for change within the United Bermuda Party since the 2007 general election.[2] They have launched a new political party, the Bermuda Democratic Alliance.

10. General elections must be held every five years. In the 1998 general election, the Progressive Labour Party defeated the United Bermuda Party and took power for the first time in the 30 years since the party system began in 1968. The party was re-elected for a second five-year term in 2003. The current Premier, Ewart Brown, took office on 30 October 2006, following his election as the leader of the governing Progressive Labour Party, and was re-elected in the latest general election, held on 18 December 2007, with the Progressive Labour Party retaining its majority of 22 of the 36 seats in the House of Assembly.

11. Voters in the general and other elections or referendums must be 18 years of age and Bermudian by birth or status, or non-Bermudian long-term residents who are citizens of the British Commonwealth and have registered to vote annually since 1979.

12. In 1995, a referendum was held on the question of independence. Of the 58.8 per cent of eligible voters who participated, a small number by Bermudian standards, 73.6 per cent voted against independence. The then-opposition party had

[2] See BBC Caribbean, "Bermuda's opposition future doubtful", 15 September 2009.

organized a boycott of the referendum among supporters of independence, arguing that the issue should be resolved by general election.

13. While always an important issue in Bermuda, the question of independence has not predominated in Bermuda's recent political scene to the extent that it has at previous times. An unofficial opinion poll, carried out by a private company in early January 2010, indicated that 74 per cent of people did not want to sever ties with the United Kingdom (up from 63 per cent in a 2007 poll), 20 per cent were in favour (down from 25 per cent) and 6 per cent undecided (down from 12 per cent).[3]

14. In its report issued in August 2005,[4] the Bermuda Independence Commission noted that the racial question and the implications that flowed out of its consideration had been an ever-present, although seldom acknowledged, feature of the Bermudian social, economic and political landscape throughout Bermuda's history. As previously reported, racial divisions in Bermuda have, in significant measure, played out in the support for, or opposition to, independence and the method to be used to ascertain the wishes of the population on that question.

15. The ruling Progressive Labour Party wants the issue of independence settled in the context of an election, while the opposition United Bermuda Party favours a referendum. On that question, the Bermuda Independence Commission concluded that it was incumbent upon both political parties to share the merits of each method.

16. On 9 December 2009, the eleventh meeting of the Overseas Territories Consultative Council was held in London. According to the administering Power, at the request of Overseas Territory leaders, this year a forum was held the day before the Consultative Council, on 8 December, to review the aforementioned 1999 White Paper, "Partnership for progress and prosperity", which established the principles that have guided the relationship between the United Kingdom and territories since 1999. The Forum was the first stage of a consultation process on the future of that relationship. At the Consultative Council meeting, the United Kingdom and the Non-Self-Governing Territories represented, including Bermuda, inter alia agreed to continue their discussions on the relationship between the United Kingdom and the Overseas Territories.

III. Budget

17. Bermuda's fiscal year begins in April. The 2009/10 budget remains unchanged from the previous year, at $1.1 billion. The national budget statement for 2010/11 was not yet available at the time of writing of the present report; it was expected slightly later than usual in order to allow more manoeuvrability given the economic environment, according to the Government.[5]

18. The Governor, on 6 November 2009 in his traditional annual Speech From the Throne, noted the Government's able management of the impact of global economic conditions on the island.

[3] See *Caribbean Daily News*, "Opposition to cutting ties with Britain grows", 27 January 2010.
[4] See "Report of the Bermuda Independence Commission", August 2005.
[5] See Sam Strangeways, "'More manoeuvrability' given as explanation for later budget date", *Royal Gazette*, 30 January 2010.

IV. Economic conditions

A. General

19. The official currency of Bermuda is the Bermuda dollar. On a one-to-one basis, the Bermuda dollar is pegged to the United States dollar.

20. The economy of Bermuda continues to be based primarily on providing financial services for international business and on tourism. A number of reinsurance companies relocated to the island following the September 2001 terrorism attacks, and still more relocated after Hurricane Katrina in August 2005, contributing to the expansion of an already robust international business sector. Most capital equipment and food must be imported. The industrial sector of Bermuda is small, although construction continues to be important. Agriculture is limited, as only 20 per cent of the land is arable.[6]

21. The global economic slowdown has affected Bermuda, and initial estimates indicate a widening of the fiscal deficit, as revenue fell short of budget targets and capital spending boosted total expenditure. In November 2009, it was announced that Government revenue projections were missed in the first quarter (April-June 2009) by as much as 8 per cent, resulting in a revenue shortfall of $20 million. Although Government spending was reported to have been on target during that period, the shortfall prompted the Government to make expenditure cuts. A savings of around 20 per cent was sought on current budgets, and public-sector recruitment was frozen, with the aim of protecting capital and social spending for the remainder of the fiscal year.[7]

B. Financial services

22. Bermuda is one of the world's leading offshore financial and business centres and is among the major jurisdictions worldwide in large-scale insurance and reinsurance. There is no central bank in the Territory. The Bermuda Monetary Authority is the regulatory authority for banks and trust companies.

23. In August 2009, the Government of Bermuda passed a series of legislative amendments to improve the efficiency of international business in Bermuda. Over the past several years, the international business sector has had the highest number of new jobs of all sectors of the economy. In 2008, however, the increase in jobs was minimal, and the numbers are expected to be similar for 2009. Nevertheless, it is anticipated that international business will continue to drive the economy and provide the largest positive contribution to gross domestic product for the foreseeable future.

24. There were 15,485 international companies registered in Bermuda at the end of the third quarter of 2009, a decline of 417 companies, or 2.9 per cent less than the total at the end of the third quarter 2008. Over the first nine months of 2009,

[6] See Central Intelligence Agency, *The World Factbook*. Available from https://www.cia.gov (accessed 15 February 2010).

[7] See Economist Intelligence Unit, Bermuda country report, January 2010. Available from www.eiu.com.

international business entities paid $1.7 billion to residents and local businesses, which remained unchanged from the first three quarters of the previous year.[7]

25. In total, 441 new exempted companies were incorporated during the first nine months of 2009, compared with 814 incorporated during the first nine months of the year before, representing a decline of 45.8 per cent. At the end of the second quarter of 2009, the total net asset value of collective investment schemes was $154.62 million, a loss of 34.3 per cent year over year. There was also a decrease of 345 mutual funds and unit trusts registered in Bermuda in the 12 months ending September 2009.[7]

26. In November 2007, the Foreign Affairs Committee of the United Kingdom House of Commons began a comprehensive inquiry into standards of governance, transparency and accountability, the role of governors and regulation of the financial sector for all 14 territories. A team undertaking a review of British Crown Dependencies and Overseas Territories business jurisdictions visited Bermuda in March 2009.[8]

27. On 8 June 2009, following Bermuda's signing of its twelfth tax information exchange agreement, the Organization for Economic Cooperation and Development (OECD) updated its progress report to include Bermuda with other jurisdictions that had substantially implemented the internationally agreed tax standard. In early September, Bermuda was also elected vice-chair of the OECD Global Forum on Transparency and Exchange of Information for Tax Purposes, which is charged with reviewing implementation of tax information exchange agreements.

C. Tourism

28. According to the administering Power, total visitation to the island for the first three quarters of 2009 was down marginally by 1.5 per cent, with a total of 457,233 visitors arriving on the island during this time. Air arrivals, having been strongly affected by the worldwide economic slowdown, declined around 12 per cent in the first nine months of 2009, with 187,018 visitors flying to the island during this period. The third quarter began to show signs of recovery, until late August when Bermuda was hit with the threat of Hurricane Bill. This threat led to cancelled flights and numerous visitor trip cancellations. The effect of this storm resulted in a 13 per cent decline in air arrivals for the month of August. Cruise visitations for the first nine months of the year increased by 8 per cent, however. This is a result of the completion in May 2009 of the new Heritage Wharf cruise pier in Dockyard, which saw an increase in larger ships traveling to the island.[7]

29. On 23 April 2009, the Premier and the United States Secretary of Homeland Security signed an agreement whereby passengers and crew of private aircraft departing Bermuda would be pre-cleared for United States customs.[9] The pre-clearance for non-commercial aviation is viewed as enhancing the attractiveness of Bermuda's tourism and financial services. A large number of visitors arrive on private flights, which is in line with Bermuda's "platinum period" strategy efforts for tourist development, promoting high-end tourism.

[8] See Alex Wright, "Foot: Bermuda aware of top financial issues", *Royal Gazette*, 20 March 2009.
[9] See www.dhs.gov/ynews/releases/pr_1240515431927.shtm.

30. In July 2009, a large hotel chain announced plans to open its first hotel in Bermuda. The new hotel, scheduled to open in 2013, will be the first major luxury hotel to open in downtown Hamilton in more than 50 years. In August 2009, the Premier announced that a new digital marketing strategy had resulted in large increases in visitors to the Bermuda Tourism website. Visits to the website were up 82 per cent for the second quarter of 2009 compared with the same period in 2008. About 301,000 hits were logged.[10]

D. Construction

31. Bermuda's construction industry is still fairly robust. The Government is providing stimulus to this sector with projects such as the $78 million Magistrates' Court/Hamilton police station, which is expected to be completed early in 2011. The past year saw the widening of Pender Road and the addition of an extra lane on Cockburn's Bridge, important projects designed to accommodate safely the large numbers of visitors expected in the west end as a result of the opening of Heritage Wharf in Dockyard. Additionally, there has been the recent completion of the Tynes Bay water treatment facility, a seawater reverse osmosis plant. The construction sector is anticipating a boost when promised major construction projects in the hotel industry commence in the near future. The number of jobs in the construction industry rose by 2.9 per cent to a total of 3,649, an increase of 103 jobs compared with 2008.[1]

E. Transport and communications

32. Bermuda has very high-standard transport and telecommunications sectors. There is a network of about 225 kilometres of paved public roads and 400 kilometres of private roads. Bermuda also has one of the highest road traffic densities in the world. Restrictions on car ownership to one per household, coupled with a policy of allowing no rental cars, have resulted in the development of an excellent and well-utilized group transportation system.

33. Bermuda has its own air and ship regulatory agencies. Both the Department of Civil Aviation and the Department of Maritime Administration maintain registries, which are considered to be as stringent as those of comparable agencies in the United Kingdom and the United States. Automation of the Aircraft Information and Records System will be further developed during fiscal year 2010/11 to augment the processes for continued growth of the register of aircraft.[1]

34. The L. F. Wade International Airport in Bermuda has undergone significant improvement since 2000. The pavement rehabilitation work on the runways, taxiways and aprons at the airport, for which $18.0 million was allocated, was completed in 2009.[1] There are numerous regular commercial flights between Bermuda and a number of destinations, such as Boston, New York, Miami, Atlanta, Newark, Philadelphia, Toronto, London and Washington, D.C. During the summer season, additional carriers are added to accommodate other gateway locations. There

[10] See *South Florida Caribbean News*, "Bermuda's tourism digital marketing strategy takes hold, numbers up sharply", 17 August 2009. Available from www.sflcn.com.

has also been a marked increase in general aviation traffic over the years to meet the demand of the international business sector.

35. The international and domestic information and communications technology infrastructure of Bermuda is highly advanced and accessible to the entire population. The island has four international telecommunications service providers, three of which have their own transatlantic facilities, which are supplemented by satellite facilities for special services and emergency communications. Domestic information and communications technology services across the island are provided by a total of nine service providers. During 2009, Bermuda's three mobile telecommunications service providers completed the transition to the third generation of international standards for mobile telecommunications, commonly referred to as 3G. This new set of standards provides for greater data transmission speeds, which are required to support the increased proliferation of mobile multimedia applications and services.

V. Social conditions

A. General

36. Various socio-economic inequalities continue to exist in Bermuda. According to the administering Power, the Territory continues to address the issue of racial inequality through the publication of statistics on workforce demographics, education and training and through legislation.

37. According to the Governor's Speech from the Throne, the Government intends to launch a national service initiative, which would require young Bermudian men and women to participate in mentoring Bermuda's youth and committing to the concept of work experience in order to equip them with the skills needed for successful future employment.

38. In November 2008, the Ministry of Culture and Social Rehabilitation launched a child day-care allowance programme to assist low-income families with the cost of day care for children under 4 years of age. To date, over 700 families and over 750 children have benefited from the programme, which will continue during fiscal year 2010/11, and $4.8 million has been requested for that purpose.

B. Labour

39. The Department of Labour and Training has expanded its summer employment programme, doubling its spending on salaries paid to summer students and hiring 47 per cent more summer students year over year. The Department of Labour and Training has also made progress on the implementation of a "one-stop career centre" to provide a single venue where individuals can explore career options and receive job placement assistance and training and referrals for further training. The Department expects to launch the "one-stop career centre" in April 2010, budget permitting. The so-called "hustle truck employment programme" will continue to partner with the Bermuda Housing Corporation and the Department of Labour and Training to provide a wider range of training opportunities to enhance the skills of workers and to improve their chances of securing full-time employment. The

National Training Board has successfully launched national certification and apprenticeship programmes, both of which are aimed at upgrading the skills of the workforce. The Department of Labour and Training is moving ahead with implementing its workforce development initiative and has hired a consultant to lead this most important programme and see that it is implemented.[11]

40. A 2008 annual review of the workforce, undertaken and published by the Commission for Unity and Racial Equality, reinforced the view that representation of black Bermudians in the workforce remained significantly skewed, and that not enough was being done to address the inequality. While blacks represent more than half the workforce (54 per cent), they continue to be underrepresented in senior/executive and mid-management positions and income levels and overrepresented in non-professional employment levels. The report noted that business leaders attributed the low percentage of black employees in senior positions to the lack of educational qualifications among black employees.

C. Education

41. Education in Bermuda is compulsory for all children from 5 to 16 years of age and is free in Government schools. Approximately 57 per cent of Bermudian students of compulsory school age attend public schools. The public school system includes 2 senior secondary schools, 5 middle schools, 18 primary schools, 10 preschools, 1 special school and 1 alternative programme. There are two private schools which offer early primary education, as well as a number of other private schools for all ages. Those institutions receive no Government funding, but the Government has the authority to determine the examinations to be taken in the private schools as a means of ensuring appropriate academic standards.[11]

42. Graduates of senior school are prepared for further studies at Bermuda College or at institutions abroad, mainly in the United States, Canada and the United Kingdom. The literacy rate in the Territory is considered high: 98 per cent of males and 99 per cent of females 15 years of age and over can read and write. Since 2007, citizens from the Overseas Territories have benefited from the home-student fee rate at British universities.[12]

43. As previously reported, the 2000 census revealed a serious disparity between the educational circumstances of white students, three quarters of whom attend private schools, and black students, most of whom are enrolled in the Government educational system. The quality of education in Bermuda public schools has been a frequent issue in the media, with only about half of the students attending public schools graduating from high school in recent years. In 2009, however, 80 per cent of the students who had entered senior school four years prior did graduate.

44. According to information provided by the administering Power, Bermuda College is the main educational facility that offers tertiary education in Bermuda. The College receives a grant from the Government of Bermuda, and its operations are overseen by a board of governors. As of September 2008, students who entered

[11] See www.bermuda-online.org/educate.htm.

[12] See communique of the eighth meeting of the Overseas Territories Consultative Council, 21 and 22 November 2006. Available from www.fco.gov.uk.

the College from a local senior school and who enrolled in an approved course of study no longer had to pay tuition fees.

45. The Governor, in his Speech from the Throne, indicated that, as part of its ongoing reform effort, the Ministry of Education intended to strengthen assessment of at-risk students, improve the quality of career guidance, implement specialized instruction for boys in the public school system, recognizing their special needs, and review the certification of teachers to ensure high standards. He also indicated that Portuguese language classes would begin in the 2010/11 school year.

D. Health

46. According to information provided by the administering Power in 2007, population projections continue to indicate that two major demographic phenomena will dominate Bermuda in future years: an ageing population and a low fertility level. Life expectancy at birth is 80 years for women and 75 years for men. As previously reported, however, life expectancy among blacks in Bermuda is nearly four years less than for whites.[13] Chronic diseases continue to account for a disproportionate number of health challenges in Bermuda. Government efforts towards promoting wellness and fitness and aggressive programmes to curb lifestyles that lead to diabetes, hypertension and obesity continue to be a major focus of the Ministry of Health.[14]

47. According to the Governor's 2008 Speech from the Throne, too little attention has been paid to the mental health of Bermudians. In 2009, the Mid-Atlantic Wellness Institute, Bermuda's mental health hospital, signed a memorandum of understanding with the Department of Corrections establishing the Institute as having overall responsibility for mental health in Bermuda's correctional facilities. In August, the Bermuda Hospitals Board presented a draft mental health plan to the Ministry of Health. The plan sets out a framework for a social model of care. Consultation is also concluding on amendments to the Mental Health Act 1968 in order to provide a framework for persons who end up before the courts but who may suffer from a mental illness.[1]

48. The Ministry of Culture and Social Rehabilitation is initiating a juvenile and family treatment system to provide for the therapeutic treatment of dysfunctional families, and is in the process of hiring the required staff for the juvenile and family treatment system. An associated project is the "structured decision-making model", which allows for consistency in assessing the risk level of all families involved with the Department of Child and Family Services. A psychoeducational programme designed to help young people to address behavioural concerns has been proving to be beneficial.[1]

49. Hospitalization insurance is mandatory for all employed and self-employed persons in Bermuda. In April 2009, the Government introduced FutureCare, a comprehensive and affordable insurance plan for seniors.[1] Nonetheless, insurance coverage is nearly universal, and some persons are insured by more than one provider.

[13] See "Bermuda health systems and services profile", report prepared for the Ministry of Health and Family Services of Bermuda by Marcelo Ramella, April 2005.

[14] See 2008 Speech from the Throne, 7 November 2008. Available from www.gov.bm.

E. Human rights and related issues

50. As previously reported, the Commission for Unity and Racial Equality was aimed at the elimination of racial discrimination and institutionalized discrimination in Bermuda. According to the Governor in his Speech from the Throne, the programme will undergo a thorough review, given the perceived lack of progress. He reiterated that a modern solution with an appropriate policy framework had to be found to address the historical inequities, which he said had become more than a trend in Bermuda.

51. The following major international human rights instruments apply in Bermuda: the European Convention on Human Rights; the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; and the International Convention on the Elimination of All Forms of Racial Discrimination.

52. In the context of the Overseas Territories Consultative Council meeting held in London on 28 and 29 October 2008, the territorial Government agreed upon the target date of October 2009 to achieve the extension of International Labour Organization Convention 182 on the worst forms of child labour and of the Convention on the Elimination of All Forms of Discrimination against Women, and to consider the options available to meet international obligations on sexual orientation. The Government is currently reviewing the implications of both instruments, including the possible need to amend existing legislation.[1]

F. Crime

53. The Bermuda Police Service has an establishment of 467 officers and 70 active Reserves. According to the administering Power, Bermuda has experienced an escalation of gang-related violence, resulting in a more than 50 per cent increase in the number of confirmed firearms incidents occurring in 2009. The Bermuda Police Service launched the "Operation Safer Streets" initiative to address crime challenges related to guns, gangs, drugs and violence. This targeted, intelligence-led approach has resulted in greater police presence in geographical hot-spot areas and a sharp focus on identified "prolific priority offenders". Visibly effective policing actions have resulted in record-setting performance levels for the Bermuda Police Service: arrests increased 60 per cent; drug enforcement activity increased almost 40 per cent; and serious assaults were reduced by 28 per cent. The Bermuda Police Service reorganized to move existing resources within the organization to enable resources for "Operation Safer Streets" to become a permanent feature of their policing plan. The adoption of the "prolific priority offender" approach recognizes that the causes of crime are complex and that a holistic multiagency and partnership approach is required to focus resources on those who present the greatest threat to the community across the entire spectrum of the problem throughout three distinct phases: prevent and deter; catch and convict; and rehabilitate and resettle. The Ministry of Labour, Home Affairs and Housing is already looking towards long-term solutions, and the Bermuda Police Service will play a full active role, as appropriate, to assist.[1]

54. An anti-gang initiative, first implemented during 2006, continues to be developed and applied, and is aimed at obtaining a full understanding of the extent of the gang problem in Bermuda. The Department of Court Services held gang supervision training, with the aim of a more collaborative and preventive response to gangs. The 200 attendees were from various ministries and departments, community groups and service organizations.[1]

55. The Ministry of Justice has endeavoured to provide assistance in combating the increase in violent crime by the establishment of a witness support unit, aimed at providing information and support to witnesses throughout the trial process.

56. The successful "Mirrors" programme, funded by the Ministry of Culture and Social Rehabilitation, which redirects at-risk youth towards a more productive lifestyle, is entering its fourth year. To date, five intensive residential courses have been completed by a total of 154 youth participants. During fiscal year 2010/11, the Mirrors programme will hold two more residential sessions and will be extended to two middle schools on the island.[1]

G. Environment

57. Responsibility for environmental issues in Bermuda falls to the Department of Environmental Protection. Its mandate is to protect Bermuda's environment through monitoring, regulation and enforcement, and to promote the sustainable use of the island's natural resources.

58. Electric power in Bermuda is provided by a single private entity, which relies exclusively on fossil fuels to generate electricity. According to the administering Power, in February 2009 the Minister of Energy, Telecommunications and E-Commerce released a policy consultation document on energy. This "Green Paper", together with the town-hall meetings that preceded and followed its publication, were designed to facilitate the debate and to provide an opportunity for the public to provide input into the development of a national energy policy. This policy would have as one of its key objectives the elimination of Bermuda's total reliance on imported fossil fuels. The Department of Energy is currently developing these policy proposals, which are due to be published during 2010. The energy White Paper will include, in addition to proposals for the adoption of alternate sources of energy, policies relating to conservation measures and efficiency guidelines. Proposals will also be presented for the development of a regulatory regime designed to manage the new environment, which will consist of renewable energy-generating facilities and new service providers.

VI. Military issues

59. According to the administering Power, Bermuda maintains a defence regiment of some 600 soldiers. While most are part-time, this figure includes some 140 "long-stay nucleus" and 30 full-time soldiers.[1] The adult male population is subject to conscription by ballot, involving just over three years of part-time liability for weekly drills, as well as a 15-day annual camp. All soldiers are paid for their military service.[1]

60. In the report of the United Kingdom Committee of Foreign Affairs, the Committee recommended that the Government of the United Kingdom should encourage the Government of Bermuda to move away from conscription and towards the professionalization of the Bermuda Regiment, with voluntary and paid elements. They also concluded that that could make serving in the Regiment more attractive, giving it the staffing resources required to expand into maritime duties. According to information received from the administering Power, clear missions, roles and specific tasks must be identified before the Regiment can be transformed into a "full-time larger force".[1]

VII. Relations with international organizations and partners

61. Bermuda is an associate member of the Caribbean Community (CARICOM). Information on United Nations system activities involving Bermuda, including on the applicability of international labour conventions and international labour recommendations, is contained in document E/2006/47. The Territory also participates in the Caribbean Conservation Corporation, the International Confederation of Free Trade Unions, the International Criminal Police Organization (INTERPOL) and the International Olympic Committee.

62. Bermuda is a member of the United Kingdom Overseas Territories. Upon the request of Bermuda, the Territory is not subject to the Overseas Association Decision implementing Part IV of the Treaty establishing the European Community. The arrangements with the European Union for association have never been applied to Bermuda, in accordance with the wishes of the Government of Bermuda. Bermuda is, however, entitled to participate in the partnership meetings involving British Overseas Countries and Territories.

VIII. Future status of the Territory

A. Position of the territorial Government

63. Developments regarding discussions on the future status of Bermuda are reflected in section II above.

B. Position of the administering Power

64. Information provided by the United Kingdom for inclusion in the report of the Secretary-General on the implementation of decolonization resolutions adopted since the declaration of the First and Second International Decades for the Eradication of Colonialism (A/64/70), inter alia stated that the policy of the United Kingdom towards the Overseas Territories rested on the basis that it was the people of each Territory who would determine whether they wished to stay linked to the United Kingdom. The United Kingdom had no intention of imposing independence against the will of the people concerned. Further, the statement referred to the suggestion by some commentators that the United Kingdom should agree to allow Territories the three status options set out in General Assembly resolution 1541 (XV) for removing Territories from the United Nations list, namely integration, independence or free association. According to the United Kingdom, its policy was

not to agree to integration, nor was there any indication that any of the Territories were seeking that option. Its position on independence had already been set out. The concept of free association, as defined by the General Assembly, would mean that the Territory itself would draw up its Constitution free from the involvement of the United Kingdom, which would nonetheless retain all responsibility for the Territory, but without the powers necessary to meet its responsibilities for the Territories. This was not a position the United Kingdom was willing to put itself in.

65. The United Kingdom further pointed out that General Assembly resolution 1541 (XV) was not legally binding and that the United Kingdom had not voted in favour of the resolution. The Government of the United Kingdom indicated that it considered the existence of the Special Committee and the list of Non-Self-Governing Territories to be outdated, and remained of the view that none of its Overseas Territories should remain on the list.

66. As reflected in meeting record (A/C.4/64/SR.2), in a statement made on 5 October 2009 before the Special Political and Decolonization Committee (Fourth Committee) during the sixty-fourth session of the General Assembly, the representative of the United Kingdom said, inter alia, that, where the people of any of its Overseas Territories clearly and constitutionally opted for independence, the United Kingdom would help them achieve it. Where instead a Territory wished to retain links, the United Kingdom would safeguard that Territory's future development and continued security, and would hold regular annual political consultations with it. Meanwhile, the respective territorial constitutions governed the relationship between the United Kingdom and its Overseas Territories and were regularly updated, carefully considering all proposals for constitutional change received from the Territories. A number of such new constitutions had come into force since 2006.

67. The United Kingdom stated that maintaining high standards of probity and governance was a cornerstone of British administration of the Territories. The Government of the United Kingdom was committed to allowing each Territory to run its own affairs responsibly as far as possible, but, when developments in a Territory gave cause for concern or a Territory failed to fulfil international obligations, the United Kingdom would not hesitate to raise the matter with the territorial Government and intervene when necessary.

68. Further, the Government of the United Kingdom continued to encourage all its Overseas Territories to meet internationally recognized Group of Twenty (G-20) standards to ensure sound financial regulation, resilient public finances and responsible debt management.

C. Action taken by the General Assembly

69. On 10 December 2009, the General Assembly adopted resolutions 64/104 A and B without a vote, based on the report of the Special Committee transmitted to the General Assembly (A/64/23) and its subsequent consideration by the Special Political and Decolonization Committee (Fourth Committee) (A/64/413). Section III of resolution 64/104 B concerns Bermuda. Under that section's operative paragraphs, the General Assembly:

1. *Stressed* the importance of the 2005 report of the Bermuda Independence Commission, which provided a thorough examination of the facts surrounding independence, and regretted that the plans for public meetings and the presentation of a Green Paper to the House of Assembly followed by a White Paper outlining the policy proposals for an independent Bermuda had so far not materialized;

2. *Requested* the administering Power to assist the Territory by facilitating its work concerning public educational outreach efforts, consistent with Article 73 *b* of the Charter of the United Nations and, in that regard, called upon the relevant United Nations organizations to provide assistance to the Territory, if requested.